

AUG 25 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VALENTIN MOSCOSO,

Defendant - Appellant.

No. 05-10096

D.C. No. CR-03-00489-RLH

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted August 21, 2006**

Before: GOODWIN, REINHARDT, and BEA, Circuit Judges.

Valentin Moscoso appeals from the conviction and 108-month sentence imposed following a guilty-plea conviction for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii). We

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismiss in light of the valid appeal waiver.

The record does not support Moscoso's claim that he did not understand the terms of the plea agreement and thus did not knowingly and voluntarily plead guilty. The district court, through the court interpreter, conducted a thorough Rule 11 colloquy, during which Moscoso stated he understood the translation of the indictment and the plea agreement, including the factual admissions, and understood the waiver of all appeal rights except for from any upward departures imposed by the district court. Accordingly, we dismiss this appeal. *See United States v. Jeronimo*, 398 F.3d 1149, 1157 (9th Cir. 2005) (holding colloquy that satisfied Fed. R. Crim. P. 11 showed plea was not unknowing or involuntary and thus appeal waiver was enforceable).

DISMISSED.